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FIRST NAMED INVENTOR ATTORNEY DOCKET NO APPLICATION NO. FILING DATE 097687,400 10/13/00 MALIE

MMC2/1015

EXAMINER BLIDD, M

RALPH E. SMITH BROOKS & KUSHMAN 22ND FLOOR 1000 TOWN CENTER SOUTHFIELD MI 48075-1351

ART UNIT PAPER NUMBER 2834

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





Office Action Summary

Application No. 687400

Applicant(s)
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE	-The MAILING DATE of this communication appears of	on the cover sheet beneath the correspondence address —
Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the maling date of this communication. If the period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the maling date of this communication. Failure to reply with the set or extended period for reply will be considered timely. If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the maling date of this communication. Pallow the maling date of the communication. Any reply received by the Office later than three months after the maling date of this communication, even if timely, may reduce any earned petent term adjustment. See 37 CFR 1,704(b). **Notice of Instant.** Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11; 453 O.G. 213. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11; 453 O.G. 213. Claim(s)	Period for Reply	,
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The proposed drawing correction, filed on	Claim(s) 1-6	is/are objected to.
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U.S. Patent and Trade PTO-326 (Rev. 11/00)

Part of Paper No.

*U.S. GPO: 2000-472-999/43204



Application/Control Number: 09/687,400

Art Unit: 2834

This application contains claims directed to the following patentably distinct species of the claimed invention: piezo electric, tritum lamp, and photo detector.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.





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Application/Control Number: 09/687,400

Art Unit: 2834

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Budd/nt

10/11/01

MARK S. BUDD PRIMARY EXAMINER ART UNIT 212